

A Deal in Pictures

SOME ASPECTS OF A SENSATIONAL LAWSUIT INVOLVING
THE AUTHENTICITY OF NOTED AMERICAN PAINTINGS

By SAMUEL SWIFT



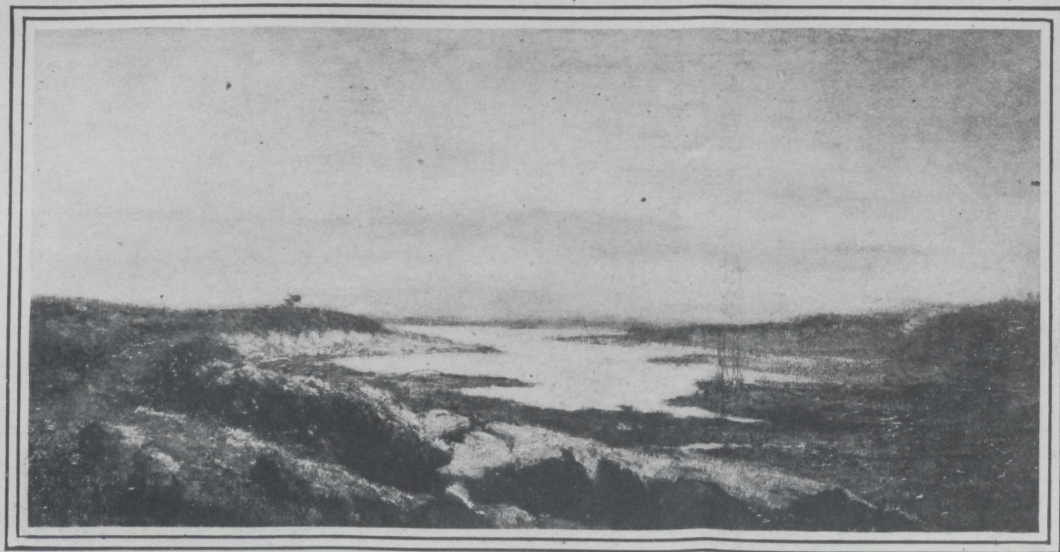
OW that the law has been invoked by a well-known collector of American paintings against a somewhat conspicuous New York art dealer, the whispered charges of wholesale picture forgeries, which have been rife for a considerable time, will no doubt be thoroughly sifted. To many persons in touch with art matters it is surprising that these charges did not earlier find their way into publicity. Mr. William T. Evans, who now brings suit, is understood to have learned only recently of the suspicions against certain pictures sold to him by Mr. William Clausen, as the work of two artists now dead, Homer Martin and George Inness. But it was more than two years ago that another distinguished New York collector of American art compelled the same dealer to refund to him, in money and in other pictures, the large amount he had then lately paid for three canvases; one of these being the "Normandy Bridge" bearing the signature of Homer Martin. This collector was Dr. Alexander C. Humphreys, President of the

to the writer several landscapes with figures, signed by him, as going to show that his time had been fully occupied by work of his own. Among the paintings in the studio was a panel showing one of the familiar forest interiors of Diaz, which had lost none of the glistening freshness with which its painter had so generously endowed it.

It was but fair, however, that charges of so serious a nature as those in Mr. Evans's suit against Mr. Clausen should have been kept from printed circulation until the recent legal steps had made them public property, and set in motion the machinery for their adjudication. Mr. Evans brought suit after he had withdrawn from his gift of sixty American pictures to the proposed national gallery at Washington two canvases catalogued as by Homer Martin, and one as by George Inness. The Martin pictures, "Near Newport" and "Old Mill Near St. Cloud," had cost Mr. Evans \$2850 and \$2500 respectively. All three paintings had been sold to him by Mr. Clausen. The collector withdrew these works because he became convinced that they were

spurious, and has replaced them by other and genuine examples, acquired expressly for that purpose. He demanded through his attorney, Mr. Frank B. Lawrence, that Mr. Clausen refund the \$5350 paid for the two Martins. Upon refusal, the dealer was arrested and spent a night in jail before bail could be arranged. Several affidavits were filed in support of Mr. Evans's complaint.

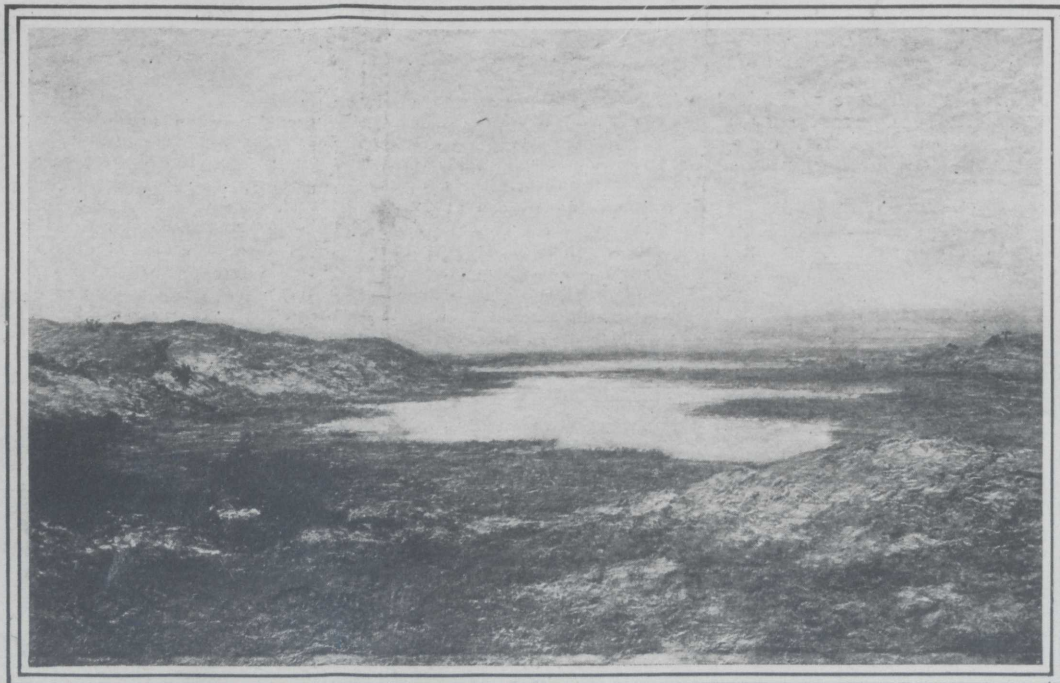
Otto J. Karch, for fifteen years an employee in the Clausen gallery, told how fresh canvases mounted there were taken away, and how, later, canvases which, in his opinion, "were the same which had been sent away, were returned, having painted upon them pictures signed with the names of celebrated American artists, principally Inness, Wyant, and Martin." Charles Graesel, another former employee, swore that he stretched such bare canvases, and that they came back with



"Near Newport," a Painting sold as the Work of Homer Martin for which Mr. W. T. Evans paid \$2850, and which he now declares to be a Forgery

Stevens Institute of Technology. Still another, Mr. F. S. Smithers, a New York banker, after investigating what he had heard about a certain costly picture in his collection, succeeded in making a similar settlement with this dealer.

At the time these events took place, Mr. Clausen was of course informed of the widespread reports regarding ambitious canvases bearing the name of Martin, which he had exhibited in his gallery in 1903 and thereafter. Further, the painter who denied the other day in newspaper interviews that he had perpetrated art forgeries, after his name had been unofficially mentioned in connection with Mr. Evans's suit, was also informed two years ago or earlier that rumors involving him were current. This task fell to the lot of the present writer in May, 1906, in pursuance of journalistic duty, and it was performed in the painter's studio in Lyme, Connecticut. On that occasion Mr. Arthur Dawson, the painter in question, exhibited



"Newport Neck," an authentic Work by Homer Martin, owned by the Lotos Club of New York, similar in Theme to the alleged Imitation presented above



"Afternoon at Medfield," a Painting signed with the Name of George Inness which has been placed under Suspicion by Mr. Evans's withdrawal of it from Exhibition at Washington

they are, have no dangers for persons of even elementary taste in art. It is only when the page of handwriting in question bears a considerable resemblance to the known script of its supposed author that the case grows interesting. When the point is reached at which experts begin to disagree, the public pricks up its ears. In the case of paintings, the question is widely and naturally asked: "If the supposed imitation is good enough to deceive all save a few experts, why is it not, for practical purposes, good enough to buy and to enjoy?"

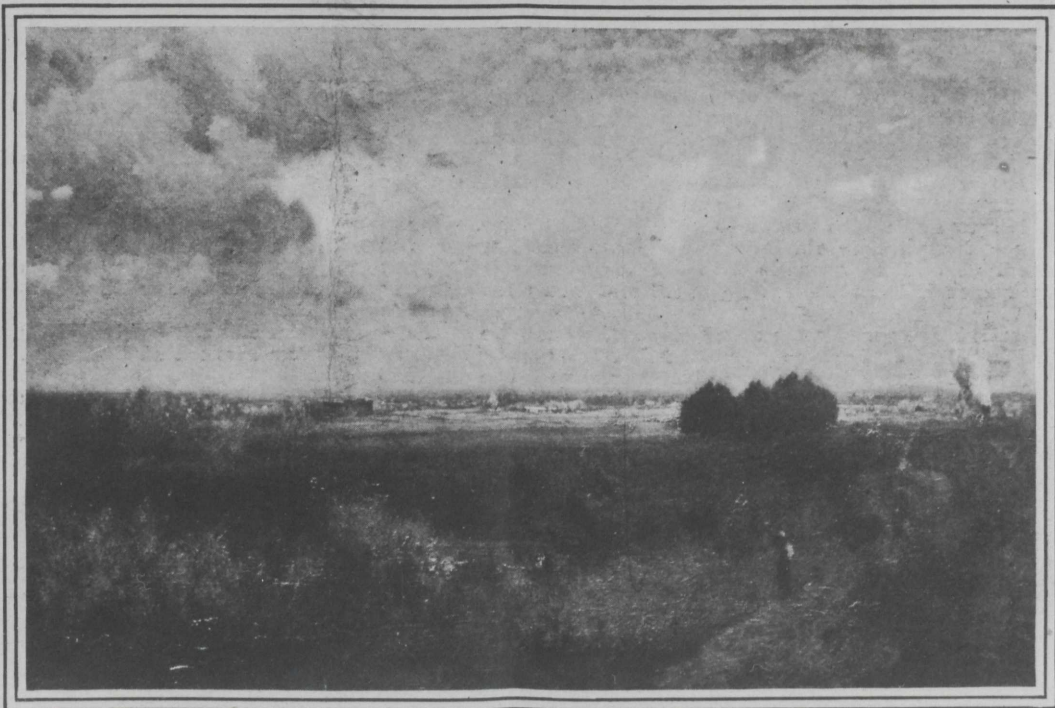
Perhaps the best answer to this is that in the final test of living with such pictures, they are bound to lose their potency and to disclose their true character. Paintings are like men and women. Their honesty, or the lack of

pictures freshly painted on them, bearing the names of Martin, Wyant, or Inness, these artists being then dead. The Graesel affidavit continues: "I remember the picture called 'Near Newport.' I fitted it into its frame when it came into Clausen's establishment, in or about the year 1903. It was then a freshly painted picture. It was only a few weeks or at most a few months old at that time." Graesel made a similar statement about the "Old Mill Near St. Cloud."

Arthur C. Friedrich, a dealer in canvas, swore that one of the two Martins withdrawn by Mr. Evans proved on recent investigation to have been painted on canvas made in his Mount Vernon factory in 1902 or 1903. He had sold much of such canvas to Clausen, but none to Martin. There were further affidavits, including one by Frederick W. Kost, the artist, charging that Clausen had referred to "the whole picture business" as a "bunco game." In reply to all this, Clausen defends the pictures, while Dawson admits having retouched them, but declares they are genuine.

The reader will have noted that not one of the above affidavits hinges upon the presence or absence of artistic quality and character in the pictures of disputed authenticity. This fact suggests the difficulty of proving in any way satisfactory to a court of law the genuineness or falsity of a picture by a dead artist. Homer Martin died in 1897, and George Inness in 1894. If it can be established that works signed by their names are painted on canvas that was not manufactured before 1902, the proof is accomplished. While it is not an easy task to adduce such facts, Mr. Evans has announced it as his intention to do so. As to the intrinsic quality and truthfulness of a work of art, it is to be determined much as one would judge the authenticity of a page of handwriting. Some of the imitation pictures sold in cheap shops and auction rooms are so preposterously lacking in plausibility that only the most gullible buyers are deceived—it is as though a newsboy should strive to counterfeit the signature of a bank president. Deceptions like this are a source of profit to dishonest dealers, and they enable a certain number of industrious painters in Paris and New York to make a modest but comfortable living. Even Brooklyn has, or had, its salaried art forger, who for a fixed sum (such was the reliability and steadiness of his production) turned out a stream of monotonous imitations of Diaz, Corot, Inness, Wyant, Homer Martin, and other important and salable painters. For a man to be worth to his employer forty dollars a week, at this obscure and nameless toil, year in, year out, implies an unfailing market for his labors. And he is, or was, only one of an army of subterranean art workers, here and abroad. Sir Purdon Clarke remarked the other day that a total of 27,000 pictures signed "Corot" had passed through the New York Custom House.

But these commonplace and low-caste frauds, reprehensible as



"Sunshine and Cloud," a noteworthy Canvas by George Inness, owned by Mr. Evans, which, in its Composition and Treatment, strikingly illustrates the vigorous Style of the Painter

it, is invariably established in due time. Clever and superficially agreeable scoundrels have their day, and sometimes it is a relatively long one. They may make friends for themselves in high places, but they are ultimately found out and rejected. A picture, to exert positive influence, must be more than a mere record of facts (else a colored photograph could replace it); it must express the character and personality of the artist, the emotional reaction of his own nature under the impact of what he sees. These qualities of a creative artist find utterance in the subject and in the design of his pictures, their relations of line and mass, the depth and luminosity of their color, the habitual but not merely formal or routine strokes of the brush over the canvas. These and other factors reveal the artist's personality, and they are just as much a part of him as his vocal timbre and inflections when he speaks, or his characteristic way of forming the letters when he writes, or as his step in walking. Clever mimics, for amusement or gain, can often simulate one or half a dozen of these typical modes of expression, but to those familiar with the subject himself such performances are mere feats of virtuosity, and do not deceive for long, if at all. Every original work of a good artist shows a nervous force, an outspoken treatment of his material, a boldness of handling, that a copyist, no matter how skilful, can hardly ever attain. The creative vigor becomes in the imitation timid conformity. Beautiful in some degree the copy or the spurious work may be, but it cannot have the freedom and energy of the pictorial utterance it seeks to reproduce. And by just so much, like an insincere man or woman, the untrue work will lose its hold upon those who have made its acquaintance.

It is not charged by Mr. Evans that the two canvases for whose cost he is suing Mr. Clausen, are exact copies of any known paintings by Homer Martin. Rather, it is stated in the affidavits, that

these pictures seek to imitate the individuality of the dead painter, to speak with his voice and to write with his hand. It is part of the history of this now widely discussed case that these pictures passed for a time unchallenged by many persons familiar with American art in general and with Martin's work in particular. Veteran painters and experienced collectors were among those who looked upon them, and either said nothing or spoke words of admiration. Even from the first, however, there were those who failed to see in these two Martins truly representative works. The "Old Mill Near St. Cloud," for instance, suggests a certain lack of crispness and freshness of thought in its composition. The lines are flabbier and more obvious than was typical of Homer Martin, whose exquisite poetic sense was supported by a brusqueness and fearlessness of expression that was part of the man's nature. The prevailing color of this "Old Mill" has a faint aroma of sickly sweetness foreign to Martin at any stage of his career. In the same way "Near Newport" is seen, on close and searching examination, to be somewhat deficient in the resonant power and directness of utterance that characterized Martin. A picture often bears on its face evidence of the heat and struggle

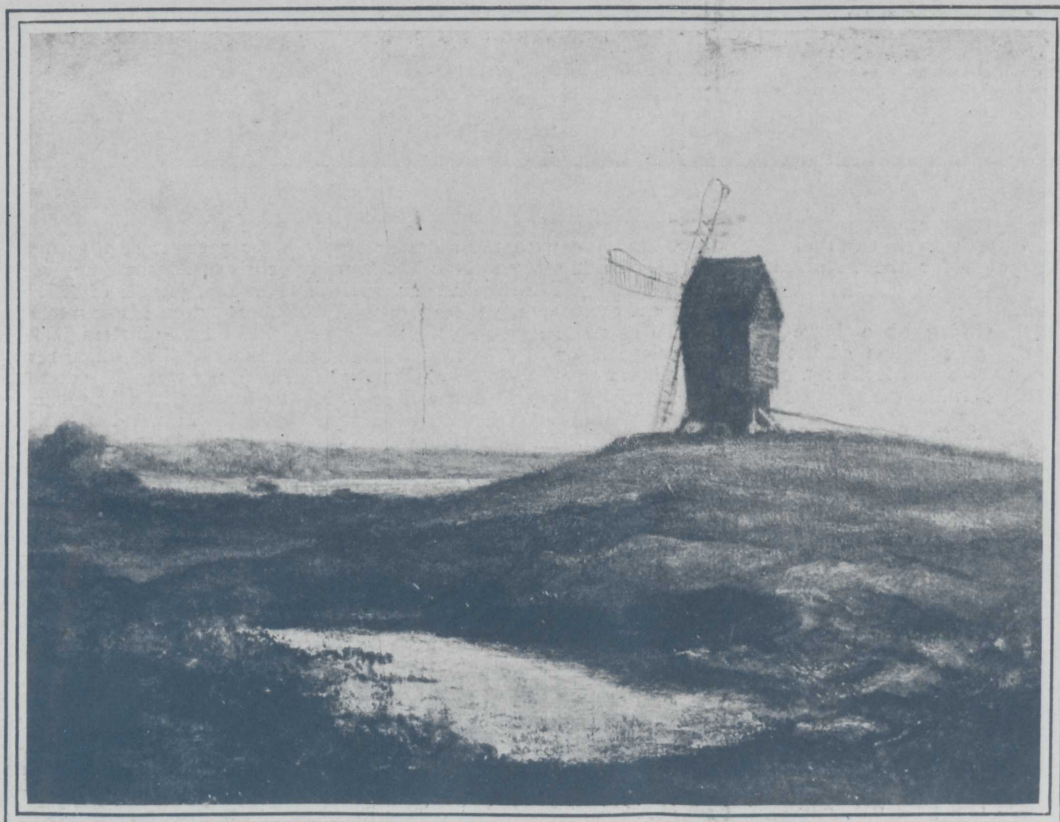
are also printed herewith. In the latter, the artists' brushes have moved with a positiveness and purpose that cannot fail to be noted even in the most delicate passages. When a man is responsible only to himself he can work with constructive imagination. If he tries to fit his steps into those of some pre-arranged pattern there can be no spontaneity.

With some such ideas in mind, owners of American paintings recently acquired have been scrutinizing their collections anew. By the verdict in the Evans-Clausen case a dozen or twenty canvases will stand or fall. Before the proceedings are over there will be a more general knowledge of what were the essential characteristics of the trio of American landscape painters—Inness, Wyant, and Martin. If there has been a wrong done to the memory of these distinguished men, it will be recognized as at least equal in importance to any injury suffered by those who in good faith have bought pictures now impugned. All that dead painters can remain possessed of is the reputation slowly built up by ardent toil. George Inness was fortunate beyond his fellows in reaping fame and success in his lifetime.

Wyant's needs were simpler and his rewards came more gradu-

ally. Martin was less productive than either of the others, and he tasted little of the sweets of substantial recognition. To undermine the esteem in which such men are held by counterfeiting their work would be an unforgivable offence. It is a little curious to reflect that such deliberate imitating for purposes of gain should be confined to the fields of painting and literature—the literary "fake" is, of course, a familiar phenomenon. It would seem to be not impossible for an ingenious and unscrupulous composer to produce and sell alleged works by dead masters. Yet so far as is known, the thing has never been even attempted.

Whatever the legal outcome of Mr. Evans's suit, there will be certain practical results from this disagreeable business. Pictures will continue to be sought by collectors and the general public, but closer attention will probably be paid to inherent quality and less to signatures, even when these are fortified by a technique capable of temporarily deceiving the most experienced collectors. That would be a consummation worth almost the price of an art scandal as grave as the one soon to be aired in court.



"Old Mill Near St. Cloud," purchased by Mr. Evans for \$2500 as the Work of Homer Martin, but now alleged to be a Fraud

of a creative mind with what it seeks to express, and it is none the less eloquent on that account. It has been urged that "Near Newport" and the "Old Mill" look as though they had come into being too easily, too placidly. There is a suavity that in time becomes monotonous, even deadening. Martin never sank to a lethargic style, nor did the late A. H. Wyant, the brooding beauty of whose landscapes has never been successfully imitated, despite many attempts.

George Inness, daring and theatrical as he occasionally was, has been a shining mark for imitators, but it is not for another man's mind and an alien hand to recapture the free spirit that manifests itself in his representative achievements. Even the reproductions in black and white deprived of the benefit of color convey some notion of the differences of style pointed out between the suspected pictures and certain well-authenticated paintings by Martin and Inness which



"Mussel Gatherers," a Painting by Homer Martin which is the Property of Mr. Evans, and is recognized as a representative Work of the Artist

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